

-PS/CD-O-

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

AGBO ISAAC,

Petitioner,

-v-

14-CV-1021C
ORDER

JEH JOHNSON, Secretary of DHS,
MICHAEL PHILLIPS, District Director,
TODD TRYON, Asst. Field Office
Director, and IMMIGRATION AND
CUSTOMS ENFORCEMENT,

Respondents.

Petitioner, Agbo Isaac, filed a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2241, challenging his continued administrative custody in detention pending removal by respondents (Docket No. 1). The Court ordered respondents to answer the petition (Docket No. 2). Prior to respondents filing an answer, petitioner advised the Court that he has been released from the detention facility and requests that his petition be put on "hold" (Docket No. 3).

The habeas petition is now moot as petitioner has been released from administrative detention. See Masoud v. Filip, No. 08-CV-6345-CJS-VEB, 2009 WL 223006 (W.D.N.Y., January 27, 2009) (confirming Report and Recommendation of U.S.M.J. Victor E. Bianchini) (petition for a writ of habeas corpus filed under 28 U.S.C. § 2241 seeking release from detention pending removal moot upon release of petitioner from detention pursuant to an Order of

Supervision); see also Leybinsky v. U.S. Immigration and Customs Enforcement, 553 F.App'x 108 (2d Cir. 2014) (Summary Order) (petitioner's release from ICE custody pending removal pursuant to a final order of removal moots his petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2241, and the "capable of repetition but evading review" exception to mootness doctrine inapplicable.)

Accordingly, in light of the fact that petitioner has been released from administrative custody in detention pending removal by respondents, the petition is dismissed as moot.

IT HEREBY IS ORDERED, that the petition is dismissed.

SO ORDERED.

S/ Michael A. Telesca

MICHAEL A. TELESCA
United States District Judge

Dated: February 18, 2015
Rochester, New York